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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

LIBERTY MUTUAL INSURANCE  
COMPANY, a Massachusetts  
Corporation,

Plaintiff,

vs.

THE CALIFORNIA AUTOMOBILE  
ASSIGNED RISK PLAN, a program  
established under California Insurance  
Code section 11620 et seq., and DOES 1  
through 20, inclusive,

Defendants.

THE CALIFORNIA AUTOMOBILE  
ASSIGNED RISK PLAN,

Counter-Claimant,

vs.

LIBERTY MUTUAL INSURANCE  
COMPANY, a Massachusetts Corporation,

Counter-Defendant

Case No. C-11-1419 MMC

**STIPULATION AND ~~[PROPOSED]~~  
ORDER TO DEFER DEADLINES TO  
IMPLEMENT SETTLEMENT IN  
PRINCIPLE**

Judge: Hon. Maxine M. Chesney  
Dept: Courtroom 7, 19th Floor

Complaint filed: March 24, 2011

1 Pursuant to Civil L.R. 6-2, Plaintiff/Counter-Defendant Liberty Mutual Insurance  
2 Company ("Liberty Mutual") and Defendant/Counter-Claimant The California Automobile  
3 Assigned Risk Plan ("CAARP") respectfully submit this Stipulation And Proposed Order To  
4 Defer Deadlines To Implement Settlement in Principle.

5 WHEREAS, Liberty Mutual filed its Complaint on March 24, 2011 (Docket No. 1);  
6 CAARP filed its answer and counterclaims on May 20, 2011 (Docket No. 11); and Liberty  
7 Mutual filed its answer to CAARP's counterclaims on June 10, 2011 (Docket No. 13);

8 WHEREAS, Liberty Mutual and CAARP have reached a settlement in principle, subject  
9 to approval of the CAARP Advisory Committee (which is anticipated, as a subcommittee of the  
10 CAARP Advisory Committee has approved the settlement in principle) and the completion of a  
11 mutually acceptable formal settlement agreement;

12 WHEREAS, to conserve the Court's and the parties' resources, Liberty Mutual and  
13 CAARP wish to vacate all currently scheduled hearings, conferences and deadlines except for the  
14 trial date to allow time for CAARP to obtain its Advisory Committee's approval for the  
15 settlement and for the parties to prepare and execute a final settlement agreement;

16 WHEREAS, CAARP expects that it can convene an Advisory Committee meeting for a  
17 formal vote on the terms of the settlement within several days to one week;

18 THEREFORE, IT IS HEREBY STIPULATED AND AGREED by the undersigned as  
19 follows:

20 1. All currently scheduled court hearings and conferences, as well as any outstanding  
21 associated exchange or filing deadlines, shall be vacated, including the:

- 22 a. October 25, 2012 hearing before Hon. Jacqueline Scott Corley on  
23 CAARP's Motion to Compel Production of Documents and Deposition  
24 Testimony [Dk. No. 68];  
25 b. November 16, 2012 hearings before Hon. Maxine M. Chesney on  
26 CAARP's Motion to Exclude Proposed Expert Ralph Lombardi [Dk. No.  
27 101], CAARP's Motion to Exclude Proposed Expert Paul Hamilton [Dk.  
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- 1 No. 103], CAARP's Motion for Partial Summary Judgment [Dk. No. 105],  
2 Liberty Mutual's Motion for Summary Judgment [Dk. No. 87], and  
3 Liberty Mutual's Motion to Exclude Expert Testimonies of Irizarry and  
4 Cotkin [Dk. No. 107];
- 5 c. November 16, 2012 case management conference before Hon. Maxine M.  
6 Chesney;
- 7 d. December 11, 2012 pre-trial conference before Hon. Maxine M. Chesney;  
8 and
- 9 e. All deadlines associated with each of the hearings and conferences set forth  
10 above;
- 11 2. The trial date of February 4, 2013 shall remain in place pending approval by the  
12 CAARP Advisory Committee of the settlement in principle and the execution by  
13 CAARP and Liberty Mutual of a mutually acceptable formal settlement  
14 agreement;
- 15 3. Should a settlement agreement not be formally approved or fully executed for  
16 whatever reason, CAARP and Liberty Mutual shall immediately meet and confer  
17 to agree upon a new schedule for the events described above in Paragraph No. 1  
18 and propose such schedule to the Court. Any new schedule, if necessary, will be

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implemented within such time limits as to preserve the trial date of February 4, 2013.

Dated: October 23, 2012

FARELLA BRAUN + MARTEL LLP

By: /s/ Tyler C. Gerking  
Tyler C. Gerking

Attorneys for Defendant  
THE CALIFORNIA AUTOMOBILE  
ASSIGNED RISK PLAN

Dated: October 23, 2012

SKADDEN, ARPS, SLATE, MEAGHER &  
FLOM, LLP

By: /s/ James R. Carroll  
James R. Carroll

Attorneys for Plaintiff  
LIBERTY MUTUAL INSURANCE  
COMPANY

**ATTESTATION PURSUANT TO CIVIL L.R. 5-1**

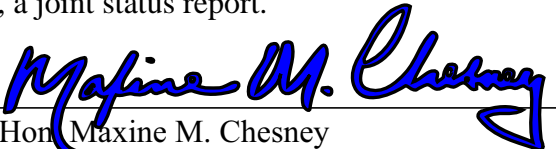
I, Tyler C. Gerking, am the ECF User whose ID and password are being used to file this Stipulation And Proposed Order. In compliance with Civil L.R. 5-1, I hereby attest that the concurrence in the filing of this document has been obtained from each of the signatories. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 23th day of October 2012, at San Francisco, California.

/s/ Tyler C. Gerking  
Tyler C. Gerking

PURSUANT TO STIPULATION, IT IS SO ORDERED. Further, the parties shall file, no later than November 16, 2012, a joint status report.

Dated: October 23, 2012

  
Hon. Maxine M. Chesney